

## SENATE BILL No. 387

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-19; IC 16-18-2; IC 16-41-35; IC 22-12-2-5; IC 22-13-2-2.

**Synopsis:** Department of homeland security. Eliminates the designation of the division of planning and assessment as the division within the department of homeland security that disburses federal and state homeland security funds to the state and local governments. Transfers from the state department of health to the department of homeland security the authority to regulate radioactive materials. Requires the fire prevention and building safety commission to elect one of its members as vice chair of the commission and provides that, in the absence of the chair, the vice chair shall perform the duties of the chair. Removes, from the law requiring the fire prevention and building safety commission to adopt a statewide code of fire safety laws, certain language pertaining to a previous statewide code of fire safety and building laws. Repeals superseded provisions.

**Effective:** July 1, 2014; July 1, 2015.

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**Wyss, Arnold J**

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January 14, 2014, read first time and referred to Committee on Homeland Security, Transportation, and Veterans Affairs.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 387

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 10-19-4-2, AS ADDED BY P.L.22-2005,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 2. The division shall do the following:  
4 (1) Develop a single strategic plan for preparing for and  
5 responding to homeland security emergencies.  
6 (2) Assess state and local security needs.  
7 (3) ~~Disburse federal and state homeland security money for all~~  
8 ~~Indiana state and local governments.~~  
9 SECTION 2. IC 10-19-11 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]:  
12 **Chapter 11. Radiation and Radioactive Material Control**  
13 **Sec. 1. Whereas radiation may improve the health, welfare, and**  
14 **productivity of the public if used properly, but may impair the**  
15 **health of the public and the industrial and agricultural potentials**  
16 **of Indiana if used improperly, it is the public policy of Indiana to**



1 encourage constructive uses of radiation and to control the  
2 harmful effects of radiation.

3 Sec. 2. (a) The definitions set forth in this section apply  
4 throughout this chapter.

5 (b) "Agency" refers to the department of homeland security  
6 established by IC 10-19-2-1.

7 (c) "Agreement state" means a state with which the United  
8 States Atomic Energy Commission or the Nuclear Regulatory  
9 Commission has entered into an agreement under subsection 274b  
10 of the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

11 (d) For purposes of this chapter, exposures are "as low as is  
12 reasonably achievable" if every reasonable effort has been made  
13 to maintain exposures to ionizing radiation as far below the dose  
14 limits as is practical:

15 (1) consistent with the purpose for which the licensed activity  
16 is undertaken;

17 (2) taking into account the state of technology and the  
18 economics of improvements; and

19 (3) in relation to:

20 (A) benefits to the public health and safety;

21 (B) other societal and socioeconomic considerations; and

22 (C) utilization of nuclear energy and licensed materials in  
23 the public interest.

24 (e) "Atomic Energy Act of 1954" refers to the federal Atomic  
25 Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1,  
26 2014.

27 (f) "Byproduct material" means any of the following:

28 (1) Radioactive material, except special nuclear material,  
29 yielding in or made radioactive by exposure to the radiation  
30 incident to the process of producing or utilizing special  
31 nuclear material.

32 (2) The tailings or wastes produced by the extraction or  
33 concentration of uranium or thorium from ore.

34 (3) Any discrete source of radium-226 that is produced,  
35 extracted, or converted after extraction for use for a  
36 commercial, medical, or research activity.

37 (4) Any material that:

38 (A) has been made radioactive by use of a particle  
39 accelerator; and

40 (B) is:

41 (i) produced;

42 (ii) extracted; or



- 1 (iii) converted after extraction;  
 2 for use for a commercial, medical, or research activity.
- 3 (5) Any discrete source of naturally occurring radioactive  
 4 material, other than source material, that:  
 5 (A) is determined by the Nuclear Regulatory Commission,  
 6 in consultation with the administrator of the United States  
 7 Environmental Protection Agency, the United States  
 8 Secretary of Energy, the United States Secretary of  
 9 Homeland Security, and the head of any other appropriate  
 10 federal agency, to pose a threat similar to the threat posed  
 11 by a discrete source of radium-226 to the public health and  
 12 safety or the common defense and security; and  
 13 (B) is:  
 14 (i) extracted; or  
 15 (ii) converted after extraction;  
 16 for use in a commercial, medical, or research activity.
- 17 (g) "General license" means an export or import license that:  
 18 (1) is issued through rulemaking by the Nuclear Regulatory  
 19 Commission;  
 20 (2) is effective without the filing of a specific application with  
 21 the Nuclear Regulatory Commission or the issuance of  
 22 licensing documents to a particular person;  
 23 (3) is not an exemption from the requirements of the Nuclear  
 24 Regulatory Commission; and  
 25 (4) does not relieve a person from complying with other  
 26 applicable Nuclear Regulatory Commission, federal, or state  
 27 requirements.
- 28 (h) "Inspection" means an official examination or observation  
 29 by the agency. The term includes tests, surveys, and monitoring to  
 30 determine compliance with this chapter and the rules adopted  
 31 under this chapter.
- 32 (i) "Ionizing radiation" means:  
 33 (1) alpha particles;  
 34 (2) beta particles;  
 35 (3) gamma rays;  
 36 (4) x-rays;  
 37 (5) neutrons;  
 38 (6) high-speed electrons;  
 39 (7) high-speed protons; and  
 40 (8) other particles capable of producing ions.
- 41 The term does not include nonionizing radiation such as radio  
 42 waves, microwaves, and visible light, infrared light, or ultraviolet



1 light.

2 (j) "License" means a license issued under the Nuclear  
3 Regulatory Commission regulations or by an agreement state as  
4 stated in 10 CFR Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or  
5 72.

6 (k) "Licensed material" means:

- 7 (1) source material;
- 8 (2) special nuclear material; or
- 9 (3) byproduct material;

10 that is received, possessed, used, transferred, or disposed of under  
11 a general or specific license issued by the Nuclear Regulatory  
12 Commission or the agency.

13 (l) "Nuclear Regulatory Commission" refers to the United  
14 States Nuclear Regulatory Commission.

15 (m) "Person" means an individual, a firm, a partnership, a  
16 association, a fiduciary, an executor or administrator, a  
17 governmental entity, a limited liability company, or a corporation.

18 (n) "Radioactive material" means:

- 19 (1) byproduct material;
- 20 (2) source material;
- 21 (3) special nuclear material; or
- 22 (4) any solid, liquid, or gas that emits radiation spontaneously.

23 (o) "Registration" means registration with the agency.

24 (p) "Source material" means:

- 25 (1) natural uranium, depleted uranium, thorium, or any other  
26 combination of natural uranium, depleted uranium, and  
27 thorium, in any physical or chemical form other than special  
28 nuclear material; or
- 29 (2) ores that contain by weight at least five-hundredths of one  
30 percent (0.05%) of:

- 31 (A) natural uranium;
- 32 (B) depleted uranium;
- 33 (C) thorium; or
- 34 (D) any combination of natural uranium, depleted  
35 uranium, and thorium.

36 (q) "Special nuclear material" means:

- 37 (1) plutonium;
- 38 (2) uranium-233; or
- 39 (3) uranium enriched above seven hundred eleven  
40 thousandths of one percent (0.711%) by weight in the isotope  
41 uranium-235.

42 (r) "Specific license" means an export or import license



1 document that is issued to a named person and authorizes the  
2 export or import of specified nuclear equipment or materials based  
3 upon the review and approval of an NRC Form 7 (Application for  
4 NRC Export or Import License, amendment, renewal, or consent  
5 request(s)) application.

6 (s) "Unnecessary radiation" means radiation used in such a  
7 manner as to be injurious or dangerous to health, life, or property.

8 (t) "The state" refers to the state of Indiana.

9 Sec. 3. (a) The agency or the agency's agent may enter at any  
10 reasonable time any private or public property for the purpose of  
11 an inspection and investigation of conditions relating to radiation  
12 control.

13 (b) An owner or tenant of private or public property shall, upon  
14 reasonable notice, make available to the agency for inspection  
15 records maintained in accordance with 10 CFR 20, this chapter,  
16 and the rules adopted under this chapter.

17 (c) An owner or tenant of private or public property shall  
18 permit the agency to:

19 (1) perform radiation surveys in the air using portable survey  
20 equipment; and

21 (2) take environmental samples for analysis;  
22 as the agency considers appropriate and necessary for public  
23 health and safety.

24 Sec. 4. (a) Byproduct material shall be licensed and regulated in  
25 Indiana by the Nuclear Regulatory Commission until the governor,  
26 on behalf of the state, enters into an agreement with the Nuclear  
27 Regulatory Commission for the state to assume regulation of the  
28 use of byproduct material under subsection (d).

29 (b) Source material shall be licensed and regulated in Indiana  
30 by the Nuclear Regulatory Commission until the governor, on  
31 behalf of the state, enters into an agreement with the Nuclear  
32 Regulatory Commission for the state to assume regulation of the  
33 use of source materials under subsection (d).

34 (c) Special nuclear material shall be licensed and regulated in  
35 Indiana by the Nuclear Regulatory Commission until the governor,  
36 on behalf of the state, enters into an agreement with the Nuclear  
37 Regulatory Commission to assume regulation of the use of special  
38 nuclear material under subsection (d).

39 (d) The governor, or the governor's appointee on behalf of the  
40 state, may enter into an agreement with the Nuclear Regulatory  
41 Commission to assume regulation, as authorized under the federal  
42 Atomic Energy Act of 1954, of the use of the following:



(1) Byproduct material.

(2) Source material.

(3) Special nuclear material.

(e) An agreement entered into under subsection (d) may provide for the federal government to relinquish certain of its responsibilities with respect to sources of ionizing radiation and for the state to assume those responsibilities.

(f) After the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission under subsection (d), the agency may adopt rules under IC 4-22-2 to implement the agreement, including emergency rules in the manner provided under IC 4-22-2-37.1.

Sec. 5. If a person receives, possesses, uses, transfers, owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the agency on forms prescribed by the agency.

Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

(1) is registered or licensed in Indiana under this chapter; or

(2) registers in writing with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

Sec. 7. A person transporting, handling, using, storing, or keeping ionizing radiation sources shall:

(1) transport, handle, use, store, or keep the ionizing radiation sources so as to prevent unnecessary radiation; and

(2) make every effort to keep exposures as low as is reasonably achievable.

Sec. 8. In addition to adopting rules under section 4(f) of this chapter, the agency may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.

SECTION 3. IC 16-18-2-28 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 28: "Atomic energy", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-3.

SECTION 4. IC 16-18-2-45 IS REPEALED [EFFECTIVE JULY 1,



2015]. Sec. 45: "Byproduct material", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-4.

SECTION 5. IC 16-18-2-147 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 147: "General license", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-6.

SECTION 6. IC 16-18-2-294 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 294: "Production facility", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-7.

SECTION 7. IC 16-18-2-334 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 334: "Source material", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-11.

SECTION 8. IC 16-18-2-335 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 335: "Special nuclear material", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-12.

SECTION 9. IC 16-18-2-336 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 336: "Specific license", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-13.

SECTION 10. IC 16-18-2-362 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 362: "Utilization facility", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-15.

SECTION 11. IC 16-41-35-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if properly utilized but may impair the health of the public ~~and the industrial and agricultural potentials of Indiana~~ if improperly utilized, it is declared to be the public policy of Indiana to encourage the constructive **medical** uses of radiation and to control harmful effects of radiation.

SECTION 12. IC 16-41-35-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 3: As used in this chapter, "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

SECTION 13. IC 16-41-35-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4: As used in this chapter, "byproduct material" means any radioactive material, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials.

SECTION 14. IC 16-41-35-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 6: As used in this chapter, "general license" means a license effective under rules promulgated by the state department without filing an application to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing byproduct, source,



special nuclear materials; or other radioactive material occurring naturally or produced artificially:

SECTION 15. IC 16-41-35-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 7: As used in this chapter, "production facility" means:

(1) any equipment or device capable of producing special nuclear material in a quantity significant to the common defense and security or in a manner that affects the health and safety of the public; or

(2) any important component part especially designed for that equipment or device.

SECTION 16. IC 16-41-35-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 11: As used in this chapter, "source material" means:

(1) uranium, thorium, or any other material that the state department declares to be source material after the United States Nuclear Regulatory Commission has determined the material to be source material; or

(2) ores containing at least one (1) of the materials described in subdivision (1) in the concentration that the state department declares to be source material after the United States Nuclear Regulatory Commission has determined the material in that concentration to be source material.

SECTION 17. IC 16-41-35-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 12: As used in this chapter, "special nuclear material" means:

(1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the state department declares to be special nuclear material after the United States Nuclear Regulatory Commission has determined the material to be special nuclear material; or

(2) any material artificially enriched by any of the material described in subdivision (1).

SECTION 18. IC 16-41-35-13 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 13: As used in this chapter, "specific license" means a

license issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially:

SECTION 19. IC 16-41-35-15 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 15: As used in this chapter, "utilization facility" means:

(1) any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in a quantity significant to the common defense and security; or in a manner



that affects the health and safety of the public; or peculiarly adapted for making use of atomic energy in a quantity significant to the common defense and security; or in a manner that affects the health and safety of the public; or

(2) any important component part especially designed for such equipment or device.

SECTION 20. IC 16-41-35-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) The state department shall issue general or specific licenses for at least one (1) of the following:

(1) Byproduct material.

(2) Source material.

(3) Special nuclear material.

(4) Other radioactive materials occurring naturally or produced artificially.

(5) Devices or equipment utilizing this material.

(b) A license shall be issued only when the state department finds that the items described under subsection (a) may produce radiation sufficient to result in hazard or injury to health, life, or property.

(c) The state department shall adopt rules under this chapter providing for granting, suspending, revoking, or amending licenses. No licensing of materials, devices, or equipment now under the jurisdiction of the United States Nuclear Regulatory Commission shall be made effective before the effective date of an agreement that discontinues the federal government's regulation of sources of radiation involved; as provided in section 27(c) of this chapter.

(d) A person who is not required to have a general or specific license may not produce radiation or produce, use, store, sell, or otherwise dispose of radioactive materials; radiation machines or electronic products, unless the person registers in writing with the state department, giving the pertinent information the state department requires, in accordance with the procedures prescribed by the state department.

SECTION 21. IC 16-41-35-27 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 27. (a) A registration under section 26(d) of this chapter is effective until there is a change that may significantly increase the number of sources; source strength; or output of energy of radiation produced. A registration that includes at least one (1) source that subsequently requires licensing under section 26(a) of this chapter expires with respect to that particular source upon the effective date of the license. If a change occurs, the change shall be registered with the state department within thirty (30) days as an amendment to the



1 original registration; unless exempted under rules adopted under this  
2 chapter.

3 (b) The state department shall specify the expiration date for a  
4 license in the license.

5 (c) The governor may; on behalf of the state; enter into an agreement  
6 with the federal government providing for discontinuance of certain of  
7 the federal government's responsibilities with respect to sources of  
8 radiation and the assumption of those responsibilities by the state.

9 (d) A person who; on the effective date of an agreement under  
10 subsection (c); possesses a license issued by the federal government is  
11 considered to possess an equivalent license issued under this chapter  
12 that expires:

13 (1) ninety (90) days after receipt from the state department of a  
14 notice of expiration of the license; or

15 (2) on the date of expiration specified in the federal license;  
16 whichever is earlier.

17 (e) The term of a license issued under this section by the state  
18 department is twenty-four (24) months.

19 (f) The license fee for a new or renewal license is two hundred fifty  
20 dollars (\$250).

21 (g) If the department of state revenue notifies the department that a  
22 person is on the most recent tax warrant list; the department shall not  
23 issue or renew the person's license until:

24 (1) the person provides to the department a statement from the  
25 department of state revenue indicating that the person's tax  
26 warrant has been satisfied; or

27 (2) the department receives a notice from the commissioner of the  
28 department of state revenue under IC 6-8-1-8-2(k).

29 SECTION 22. IC 16-41-35-28 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 28. (a) The state  
31 department shall adopt rules under IC 4-22-2 concerning the  
32 production, transportation, use, storage, sale, or other disposition of  
33 radioactive material, radiation machines, or electronic products **used**  
34 **for medical purposes on human beings** to do the following:

35 (1) Prohibit and prevent unnecessary radiation.

36 (2) Carry out this chapter.

37 (b) Standards relative to unnecessary radiation included in the rules  
38 must be in general conformance with the recommendations of the  
39 National Council on Radiation Protection and Measurements (**NCRP**)  
40 and performance standards promulgated by appropriate federal  
41 agencies.

42 SECTION 23. IC 16-41-35-33 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. A person may not  
 2 produce radiation or produce, use, store, sell, or otherwise dispose of  
 3 radioactive materials, radiation machines, or electronic products,  
 4 except in accordance with this chapter and rules adopted under this  
 5 chapter **or IC 10-19.**

6 SECTION 24. IC 16-41-35-39 IS REPEALED [EFFECTIVE JULY  
 7 1, 2015]. Sec. 39: (a) Upon receiving advance notification, under 10  
 8 CFR 71.5a and 71.5b, of the transport of any nuclear waste to, through,  
 9 or across the boundary of Indiana:

10 (1) the governor; or

11 (2) the governor's designee for the transport of nuclear waste;  
 12 shall provide to the sheriff of each county through which the nuclear  
 13 waste is to be transported the notification required by subsection (b):

14 (b) The notification provided to each sheriff must include the  
 15 following information from the notification given to the governor or the  
 16 governor's designee if the information has been made available to the  
 17 governor or the governor's designee:

18 (1) The name, address, and telephone number of the shipper,  
 19 carrier, and receiver of the nuclear waste shipment.

20 (2) A description of the nuclear waste contained in the shipment.

21 (3) The point of origin of the shipment and the seven (7) day  
 22 period during which departure of the shipment is estimated to  
 23 occur.

24 (4) The seven (7) day period during which arrival of the shipment  
 25 at state boundaries is estimated to occur.

26 (5) The destination of the shipment and the seven (7) day period  
 27 during which arrival of the shipment is estimated to occur.

28 (6) A point of contact with a telephone number for current  
 29 shipment information.

30 (7) Information regarding necessary safety steps to be taken if an  
 31 accident occurs during shipment of the nuclear waste.

32 (c) The notification prescribed by subsection (b) must be given in  
 33 writing delivered by first class mail or by a faster means of delivery to  
 34 the sheriff of each county through which the shipment of nuclear waste  
 35 is to pass within twenty-four (24) hours after the governor or the  
 36 governor's designee receives advance notification of the shipment  
 37 under 10 CFR 71.5a and 71.5b.

38 (d) If the governor or the governor's designee is notified under 10  
 39 CFR 71.5a and 71.5b that the schedule for a shipment of nuclear waste  
 40 will not be met or that a shipment of nuclear waste has been canceled,  
 41 the governor or the governor's designee shall notify each sheriff  
 42 previously notified about the shipment as to the delay or cancellation:



1 The notification given by the governor or the governor's designee under  
 2 this subsection must be provided under the same requirements  
 3 prescribed in subsection (c) for the initial notification of sheriffs.

4 SECTION 25. IC 16-41-35-40 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 40. A person who:

6 (1) produces radiation; or

7 (2) produces, uses, stores, sells, or otherwise disposes of  
 8 ~~radioactive materials;~~ radiation machines or electronic products;  
 9 in violation of this chapter commits a Class B misdemeanor. Each day  
 10 a violation continues, after notification in writing of the offense by the  
 11 state department, constitutes a separate offense.

12 SECTION 26. IC 16-41-35-42 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 42. (a) In addition to  
 14 other penalties provided under this chapter, the state department shall  
 15 adopt rules under IC 4-22-2 that establish a schedule of civil penalties  
 16 that may be levied upon a person for the violation of this chapter.

17 (b) A penalty included in the schedule of civil penalties adopted  
 18 under this chapter may not exceed one thousand dollars (\$1,000) for  
 19 each violation per day.

20 (c) The state department may issue an order of compliance, impose  
 21 a civil penalty included in the schedule of civil penalties adopted under  
 22 subsection (a), or both, against a person who:

23 (1) fails to comply with this ~~section~~ **chapter** or a rule adopted  
 24 under this ~~section;~~ **chapter;** or

25 (2) interferes with or obstructs the state department or the  
 26 department's designated agent in the performance of duties under  
 27 this ~~section.~~ **chapter.**

28 (d) An order of compliance may be issued under IC 4-21.5-3-6,  
 29 IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in  
 30 a proceeding under IC 4-21.5-3-8.

31 (e) A proceeding commenced to impose a civil penalty may be  
 32 consolidated with any other proceeding commenced to enforce this  
 33 chapter or a rule adopted under this chapter.

34 SECTION 27. IC 22-12-2-5, AS AMENDED BY P.L.1-2006,  
 35 SECTION 349, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The governor shall appoint a  
 37 member of the commission to be the commission's chair.

38 (b) The member appointed by the governor serves as the  
 39 commission's chair at the governor's pleasure.

40 **(c) The commission shall, from the commission's members, elect**  
 41 **a vice chair of the commission. The vice chair shall, in the absence**  
 42 **of the chair, perform the duties of the chair.**



1 SECTION 28. IC 22-13-2-2, AS AMENDED BY P.L.101-2006,  
 2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 2. (a) The commission shall adopt rules under  
 4 IC 4-22-2 to adopt a statewide code of fire safety laws and building  
 5 laws.

6 (b) Before December 1, 2003, the commission shall adopt the most  
 7 recent edition, including addenda, of the following national codes by  
 8 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

9 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

10 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an  
 11 American National Standard).

12 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway  
 13 Chairlifts, American National Standard).

14 (4) ASME QE1-1 (Standard for the Qualification of Elevator  
 15 Inspectors, an American National Standard).

16 (5) The American Society of Civil Engineers (ASCE) Automated  
 17 People Mover Standard 21.

18 (6) ANSI A90.1 Safety Code for Manlifts.

19 (c) Before July 1, 2006, the commission shall adopt the most recent  
 20 edition, including addenda, of ASME A17.3 (Safety Code for Existing  
 21 Elevators and Escalators, an American National Standard) by rules  
 22 under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

23 (d) The commission shall adopt the subsequent edition of each  
 24 national code, including addenda, to be adopted as provided under  
 25 subsections (b) and (c) within eighteen (18) months after the effective  
 26 date of the subsequent edition.

27 (e) The commission may amend the national codes as a condition of  
 28 the adoption under subsections (b), (c), and (d).

29 ~~(f) To the extent that the following sections of the International Fire~~  
 30 ~~Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply~~  
 31 ~~to tents or canopies in which cooking does not occur, the commission~~  
 32 ~~shall suspend enforcement of the following sections of the International~~  
 33 ~~Fire Code, 2000 edition, until the division of fire and building safety~~  
 34 ~~recommends amendments to the commission under subsection (h) and~~  
 35 ~~the commission adopts rules under subsection (i) based on the~~  
 36 ~~recommendations:~~

37 ~~(1) Section 2406.1 (675 IAC 22-2.3-233);~~

38 ~~(2) Section 2406.2;~~

39 ~~(3) Section 2406.3;~~

40 ~~(g) To the extent that section 2403.2 of the International Fire Code,~~  
 41 ~~2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to~~  
 42 ~~a tent or canopy in which there is an open flame, the commission shall~~



1 suspend enforcement of section 2403.2 until the division of fire and  
 2 building safety recommends amendments to section 2403.2 to the  
 3 commission under subsection (h) and the commission adopts rules  
 4 under subsection (i) based on the recommendations and amending  
 5 section 2403.2:

6 (h) The division of fire and building safety shall recommend  
 7 amendments to the commission to the following sections of the  
 8 International Fire Code, 2000 edition, as adopted by reference in 675  
 9 IAC 22-2.3-1:

10 (1) Section 2403.2:

11 (2) Section 2406.1 (675 IAC 22-2.3-233):

12 (3) Section 2406.2:

13 (4) Section 2406.3:

14 (i) After receiving and considering recommendations from the  
 15 division of fire and building safety under subsection (h); and using the  
 16 procedure set forth in IC 4-22-2-38, the commission shall amend the  
 17 following sections of the International Fire Code, 2000 edition, as  
 18 adopted by reference in 675 IAC 22-2.3-1:

19 (1) Section 2403.2:

20 (2) Section 2406.1 (675 IAC 22-2.3-233):

21 (3) Section 2406.2:

22 (4) Section 2406.3:

